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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,980	02/20/2004	Sreedhara Narayanaswamy	063170.6595	7138
5073 7590 12/13/2007 BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER INGBERG, TODD D	
			ART UNIT	PAPER NUMBER
			2193	
			NOTIFICATION DATE	DELIVERY MODE
			12/13/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/782,980	<b>Applicant(s)</b> NARAYANASWAMY ET AL.	
	<b>Examiner</b> Todd Ingberg	<b>Art Unit</b> 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/20/2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/9/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2193

### **DETAILED ACTION**

Claims 1 – 16 have been examined.

#### ***Priority***

1. Priority to Provisional application 60/486,693 (July 11, 2003) has been approved.

#### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because of handwriting on the drawings. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

#### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The legal words “system” and “method” should be removed.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2193

5. Claims 1 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by BEA Web

Logic Portal Deployment Guide Version 4.4 May 2002 as provided by the Applicant's IDS.

**Claim 1**

BEA anticipates a method of automatically deploying program units to a cluster of networked servers (BEA, Chapter 5) , comprising: assembling one or more program units for deploying to a cluster of networked servers (BEA, page 5-17) ; retrieving information related to the cluster of networked servers (BEA, page 5-17); generating deployment descriptors from the information (BEA, page 5-3) ; and deploying the one or more program units to the cluster using at least the deployment descriptor (BEA, page 5-3).

**Claim 2**

The method of claim 1, wherein the generating comprises: generating deployment descriptors from the information (BEA, page 5-3); and providing naming and directory interface binding files (BEA, page 5-27).

**Claim 3**

The method of claim 1, wherein the retrieving comprises automatically retrieving information related to one or more application servers in the cluster. (BEA, page 4-10 listen ports, or 5-22 to 5-21).

**Claim 4**

The method of claim 3, further comprising: dynamically allowing a user to select from the one or more application servers. (BEA, page 5-22).

**Claim 5**

The method claim 1, wherein the retrieving comprises: automatically retrieving information related to one or more virtual hosts in the cluster. (BEA, page 5-24, 5b).

**Claim 6**

The method of claim 5, further comprising: dynamically allowing a user to select from the one or virtual hosts. (BEA, page 5-24, 6).

**Claim 7**

The method of claim 1, wherein the retrieving comprises determining a type of application server installed on one or more nodes to which to deploy the program units. (BEA, page 5-24, 5).

**Claim 8**

The method of claim 1, wherein the assembling further comprises providing a user interface to gather information from a user about the one or more program units being deployed. (BEA, page 10-10).

**Claim 9**

Art Unit: 2193

The method of claim 1, wherein the cluster of networked servers includes at least an application server and one or more clones of the application server. (BEA, page 3-20).

**Claim 10**

The method of claim 1, further including allowing re-deploying of already deployed one or more program units to the cluster. (BEA, page 5-27, JAR files enable redeployment of programs and page 5-7).

**Claim 11**

A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform method steps of automatically deploying program units to a cluster of networked servers, comprising: assembling one or more program units for deploying to a cluster of networked servers; retrieving information related to the cluster of networked servers; generating deployment descriptors from the information; and deploying the one or more program units to the cluster using at least the deployment descriptor. See the rejection for claim 1 and Chapter 6).

**Claim 12**

The program storage of claim 11, wherein the generating comprises: generating deployment descriptors from the information; and providing naming and directory interface binding files. See the rejection for claim 2.

**Claim 13**

A system automatically deploying program units to a cluster of networked servers, comprising: data source management module operable to retrieve data source information from an application server to which to deploy one or more program units; cluster management module operable to retrieve cluster information related to the application server; and container management module operable to retrieve container information related to the application server, wherein the data source information, cluster information, and container information are used to automatically deploy the one or more program units to a cluster of networked servers. See the rejection for claim 1 and Chapter 6.

**Claim 14**

The system of claim 13, further including: a user interface module to retrieve information from a user related to one or more user preferences for deploying the one or more program units. (BEA, Chapter 6)

**Claim 15**

The system of claim 14, wherein the user interface module is further operable to allow the user to change the retrieved data source information. (BEA, pages 3-31, 4-22, 10-9)

**Claim 16**

Art Unit: 2193

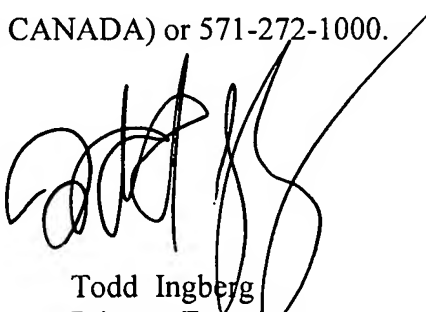
The system of claim 14, wherein the user interface module is further operable to allow the user to select a target cluster from the retrieved cluster information, to which to automatically deploy the one or more program units. (BEA, page 6-14)

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Todd Ingberg  
Primary Examiner  
Art Unit 2193

TI